

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TORY LENZO,

Plaintiff,

-against-

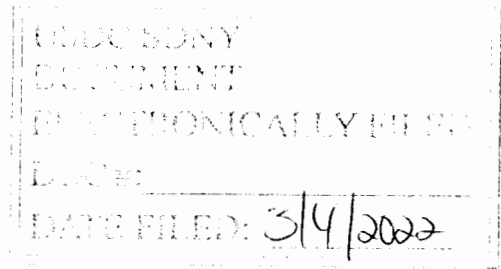
21 CIVIL 306 (JMF)

JUDGMENT

CITY OF NEW YORK,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated March 4, 2022, the motion to dismiss is GRANTED. Although leave to amend should be freely given "when justice so requires," Fed. R. Civ. P. 15(a)(2), it is "within the sound discretion of the district court to grant or deny leave to amend," *Broidy Cap. Mgmt. LLC v. Benomar*, 944 F.3d 436, 447 (2d Cir. 2019) (internal quotation marks omitted). Here, the problems with Lenzo's claims are substantive, so amendment would be futile. See, e.g., *Roundtree v. City of New York*, No. 19-CV-2475 (JMF), 2021 WL 1667193, at *6 (S.D.N.Y. Apr. 28, 2021). Moreover, Lenzo neither requests leave to amend nor suggests that he is in possession of facts that would cure the problems with his claims. See, e.g., *Clark v. Kitt*, No. 12-CV-8061 (CS), 2014 WL 4054284, at *15 (S.D.N.Y. Aug. 15, 2014) (A plaintiff need not be given leave to amend if he fails to specify how amendment would cure the pleading deficiencies in his complaint.); accord *TechnoMarine SA v. Giftports, Inc.*, 758 F.3d 493, 505-06 (2d Cir. 2014). Finally, the Court granted Lenzo leave to amend his original complaint and explicitly warned that he would "not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss." ECF No. 23; see, e.g., *Transeco S.A.R.L. v. Bessemer Venture Partners VI L.P.*, 936 F. Supp. 2d 376, 415 (S.D.N.Y. 2013)



("Plaintiff's failure to fix deficiencies in its previous pleadings is alone sufficient ground to deny leave to amend sua sponte." (collecting cases)). Accordingly, the Court has denied leave to amend the Complaint. Judgment is entered in favor of the City; accordingly, the case is closed.

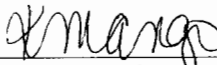
Dated: New York, New York

March 4, 2022

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk